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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,871	10/12/2001	Phillip Hugh Davies	Dav01-001	2177
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WILLIAM STOFFEL PMB 455 1735 MARKET ST. - STE. A PHILADELPHIA, PA 19103-7502			EXAMINER MATHEW, FENN C	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,871

Applicant(s)

DAVIES, PHILLIP HUGH

Examiner

Fenn C Mathew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,10,12,13,16,17,20-23,25 and 49-73 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,10,12,13,16,17,20-23,25 and 49-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 4-5, 9, 10, 13, 16, 17, 20, 22, 23, 25, 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer (U.S. 3,249,356). Referring to claim 1, Schweitzer discloses a device including a handle (1), and elongated first element attached to the handle, the elongated first element having at least a first loop, the loop entirely outside the handle (loop located below 10 in fig. 5), and elongated second element attached to the first loop, a first segment of the elongated first element that is not part of the first loop is between the handle and the first loop (11).
3. Referring to claim 2, Schweitzer discloses loop forming means (8).
4. Referring to claim 4, Schweitzer discloses a loop forming means for forming the first loop from a middle portion of the elongated first element, the loop forming means located outside the handle.
5. Referring to claim 5, Schweitzer discloses the loop formed by attaching a first section of the first element to a second section of the elongated first element.
6. Referring to claim 9, Schweitzer discloses the elongated first element comprising two cords (11, 9).
7. Referring to claim 10, Schweitzer discloses loop forming means located outside the handle, and the elongated first element comprising two cords (9, 11).

8. Referring to claim 13, Schweitzer discloses the handle as being part of the first elongated element.
9. Referring to claim 16, Schweitzer discloses the first element comprising a first and second piece of flexible material, with the first piece attached to the handle and the second piece attached to the first piece, and forming a loop.
10. Referring to claim 17, Schweitzer discloses the elongated first element is comprised of a first cord and a second cord, the first cord attached to the handle and the second cord attached to the first cord, the second cord forming the first loop, a loop forming means (25) capable of attaching the first and second cord.
11. Referring to claim 20, Schweitzer discloses the unit comprising a plurality of loops, the loops attached indirectly to the handle.
12. Referring to claim 22, Schweitzer discloses the elongated second element having a second loop.
13. Referring to claim 23, Schweitzer discloses the device including a loop forming means for forming a loop from a portion of the elongated first element, the loop forming means comprising a hook.
14. Referring to claim 25, Schweitzer discloses the first element at least partially covered with a tubular element (25).
15. Referring to claim 52, Schweitzer discloses the first loop formed by attaching a first portion of the elongated first element to a second portion of the first elongated element, the first unit further comprising the elongated second element capable of being

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attached to the first loop at two places, the first loop and the second element partially covered by a tubular element, the tubular element maintaining a spread-open U shape.

16. Claims 1, 49, 53, 56, 59, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourikas (U.S. 1,160,490). Referring to claim 1, Bourikas discloses a device including a handle (3) an elongated first element having a first loop entirely out of the handle (12) and elongated second element attached to the first loop, and a first segment of the elongated first element not part of the first loop located between the handle and the first loop.

17. Referring to claim 49, Bourikas discloses the first loop formed by a first knot (14), the elongated second element having a first end and a second end, the first end of the elongated second element attached to the first loop by the first knot and the second end of the elongated second element attached the first loop by a second knot (indirectly attached).

18. Referring to claim 53, Bourikas discloses a handle, an elongated first element attached indirectly to the handle, the elongated first element having a loop, the loop formed by a first loop forming device the first loop entirely outside the handle, a first segment of the elongated first element that is not part of the first loop between the handle and the first loop, an elongated second element attached directly to the loop forming device.

19. Referring to claim 56, Bourikas discloses the elongated second element attached to the first loop by the first loop forming device and a second loop forming device, the

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first and second loop forming devices being knots, the first loop forming device and the second loop forming device are located at about opposite sides of the first loop.

20. Referring to claim 59, Bourikas discloses the elongated element comprised of two cords.

21. Referring to claim 60, Bourikas discloses a handle, a first chord attached to the handle, the first chord having a first end and a second end, a first loop formed by attaching a first section of the first chord to a second section of the first chord using a first loop forming device the first loop forming device being a first knot, the first loop entirely outside the handle, a second elongated element attached to the first loop by the first knot and a second knot.

22. Claims 64-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Culp (U.S. 5,649,504). Culp discloses a handle, and elongated element attached to the handle, comprising a first end a first segment a first attachment point, a second segment, as second attachment point, a third segment and a second end, a first attachment device attaching the first attachment point of the second attachment point to form a loop, a second attachment device attaching an end point on the third segment proximate the second end and a point on the second segment.

23. Referring to claim 65, Culp discloses the handle attached to the elongated element proximate the first end.

24. Referring to claim 66, wherein a third attachment device attaches the elongated element to the handle.

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25. Referring to claim 67, Culp discloses the first attachment device further attaches the elongated element to the handle (indirectly).

26. Referring to claim 68, Culp discloses a handle, an elongated first element having a first and second end, the handle attached to the elongated first element proximate the first end, a first loop formed by attaching a first section of the elongated first element to a second section of the elongated first element using a first attachment device, a segment of the elongated first element with a first segment attached to the first loop by the first attachment device, and a second segment equal to the second end that is attached proximate the segment to the first loop by a second attachment device.

27. Referring to claim 69, Culp discloses the segment is an elongated second element.

28. Referring to claim 70, Culp discloses the first attachment device attaching to the elongated first element to the handle (indirectly).

29. Referring to claim 71, Culp discloses a handle, an elongated first element, the elongated first element having a first end, a first section, a second section, and a second end, the handle attaching to the elongated first element proximate the first end, a first loop formed by attaching the first section of the elongated first element to the second section of the elongated first element via a first attachment device, a segment of the elongated first element with a first segment-end at the second section and a second segment end at the second end, the segment attached proximate the second segment end to the loop by a second attachment device.

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30. Referring to claim 72, Culp discloses the segment is an elongated second element.

31. Referring to claim 73, Culp discloses the first attachment device further attaches the elongated first element to the handle (indirectly).

Claim Rejections - 35 USC § 103

32. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

33. Claims 6, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer. Limitations regarding specific size parameters are considered matters of obvious design choice within the level of one with ordinary skill in the art absent unexpected or undesired results.

34. Claims 50, 51, 54, 55, 57, 58, and 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourikas. Bourikas has disclosed the claimed invention except for minor modifications. Features such as specific size parameters, loop-forming means, shapes of tubular elements, and types of knots used are considered matters of design choice as the skilled artisan would choose parameters and shapes based on suitability for the intended purpose. Limitations involving rearranging of working parts are also considered a matter of design choice wherein Bourikas would function equally well absent unexpected results.

Response to Arguments

35. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. Applicant is reminded that claims are viewed in their broadest reasonable interpretation and that limitations insinuated by the specification are not considered if they are absent in the claim language.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Niedrich U.S. 6,540,649

Johnson U.S. 2,253,075

Meyer U.S. 5,215,509

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

FCM

fcm

September 23, 2003



NICHOLAS D. LUCCHESI
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